

**Amendment Under 37 C.F.R. § 1.111
U.S. Appl'n No. 10/652,250**

Docket No. Q77239

AMENDMENTS TO THE DRAWINGS

A Replacement Sheet is submitted herewith in which Fig. 12 has been labeled as
“Related Art.”

Attachment: **(1) Replacement Sheet -- Fig. 12**

REMARKS

Claims 1-2 have been examined and rejected. Claims 3-6 have been withdrawn. Claims 7-10 are added by this Amendment. Accordingly, claims 1-2 and 7-10 are all the claims pending in this application.

CLAIM AMENDMENTS

Claims 1-2 have been amended as shown above to define more thoroughly the present invention. Support for these amendments can be found at least at Figs. 1A-1C and the corresponding description in the Specification. Applicant respectfully submits that these amendments introduce no new matter.

Claims 7-10 have been added to define more thoroughly the present invention. Support for these amendments can be found at least at Figs. 1A-1C and the corresponding description in the Specification. Applicant respectfully submits that these amendments introduce no new matter.

OBJECTIONS TO THE DRAWINGS

Fig. 12 has been labeled "Related Art." Applicant respectfully submits that this overcomes the Examiner's objection to the drawings.

35 U.S.C. § 102 REJECTION

A. Kita

Claims 1-2 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,199,593 to Kita ("Kita"). The Examiner cites to Figs. 1-2 of Kita to support his rejection. In particular, the Examiner states that Kita teaches a disk cartridge having upper and lower shells 2, 3 assembled by mechanically engaging protrusions 28 and grooves 27 along the

edges of the shells. (Office Action at p. 3). For at least the following reasons, Applicant respectfully traverses this rejection.

With respect to the teachings of Fig. 1, Kita teaches an upper case 2 having a projection 2a formed thereon. (Fig. 1; col. 1, lines 55-59). The projection 2a is formed on an end surface of a side wall. (Id.). The upper case 2 is mated to the lower case 3 by melting the projection 2a. (Col. 1, lines 55-59). Thus in Kita, any mating of the upper shell 2 and lower shell 3 is at end surfaces of side walls, not side portions of the vertical wall portions recited in claim 1. Accordingly, Kita fails to teach or suggest a tape cartridge “wherein said housing is assembled by mechanical engagement between said a side portion of the vertical wall portion of the upper shell and a side portion of the vertical wall portion of lower shell.”

With respect to the teachings of Fig. 2, Kita teaches a tape cartridge having a recess 27 formed in the upper half case 2 while a projection 28 smaller in diameter than the opening of the recess 27 is formed on the lower half case 3, the projection 28 is fitted in the recess 27. (Fig. 2, col. 1, lines 60-65). In addition, Kita teaches that that distal face 29 of the projection 28 and the bottom surface of the recess 27 are to be welded. Thus, in Kita, the side walls of upper and lower cases 2, 3 do not have substantially rectangular cross sections along their height. For example, upper case 2 has a substantially “U” shaped cross section along its height as a result of recess 27. Lower case 3 has a substantially “T” shaped cross section along its height because of projection 28. Accordingly, Kita fails to teach or suggest a tape cartridge having vertical wall portions that are substantially rectangular in cross section along their length.

For at least these reasons, Applicant submits that claim 1 is patentable over Kita. As claims 2 and 7-10 each depend on claim 1, Applicant submits these claims are patentable over Kita at least based on their dependencies.

B. Sandell

Claims 1-2 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,945,530 to Sandell ("Sandell"). The Examiner relies on Fig. 22a to support his rejection. Fig. 22a teaches a means for fastening shells 53d, 54d of a tape cartridge. (Col. 10, lines 65-67). In Fig. 22a, shell 54d is formed with a locking member 170 having an internal aperture 171 for receiving hooks 172 extending inwardly from shell 53d. (Fig. 22a; col. 11, lines 1-9). Hooks 172 are formed with radially facing ledges 174 that are adapted for positive engagement within radial recesses 175 formed in the internal walls of the annular locking member 170. (Id.). A pin 180 can be inserted into aperture 182 to hold the two shells 53d, 54d together. (Fig. 22a; col. 11, lines 13-16). For at least the following reasons, Applicant respectfully traverses this rejection.

Sandell does not teach or suggest a cartridge wherein the shells have a substantially vertical wall portions connected to the ceiling plate and bottom plate, respectively, at a peripheral edge of the ceiling plate and bottom plate. In Sandell, locking member 170 and hooks 172 extend from an interior portion of upper and lower shells 53d, 54d. In other words, locking member 170 and hooks 172 do not extend from a periphery of upper and lower shells 53d, 54d. Accordingly, Applicant respectfully submits that claim 1 is patentable over Sandell. As claims 2 and 7-10 each depend on claim 1, Applicant submits these claims are patentable over Sandell at least based on their dependencies.

35 U.S.C. § 112 REJECTION

In view of the above amendments to claims 1-2, Applicant respectfully submits that the rejection of these claims under 35 U.S.C. § 112, second paragraph is now moot.

CONCLUSION

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Brandon M. White
Registration No. 52,354

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: September 2, 2005